IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

SATURDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 15851 of 1999

Between:

Smt. Azra Sultana

..... PETITIONER

AND

Government of Andhra Pradesh, Rep. by its Secretary,
Muncipal Administration & Urban Development

Department A.P. Secretariat, Hyderabad
and two others

.....RESPONDENTS

ORDER:

This writ petition is filed seeking a Mandamus to declare the order passed by the 2nd respondent dated 01.07.1998 on the basis of the letter said to have been issued by the 1st respondent dated 07.04.1998 refusing to relax the minimum educational qualifications and not considering the case of the petitioner for appointment on compassionate grounds, as illegal and arbitrary.

There is no dispute as to the facts of the case. The husband of the petitioner late Mohd. Mohmood Ali who was working as regular general purpose employee, died in harness on 31.08.1996. In view of the same, the petitioner filed an application to the respondents stating that she studied upto VI class and she may be provided a suitable employment on compassionate grounds, and if there is no employment she would face untold miseries, and she has got five children who are dependents on the earnings of her late husband. It seems that the case of the petitioner was considered by the 2nd respondent and recommended to the 1st respondent in so far as relaxation of educational qualifications since the required qualification for the purpose of appointment to the general purpose category is passing of VII class, whereas the petitioner was studied only upto VI class. According to the impugned proceedings, dated 01.07.1998 issued by the 2nd respondent, the case when referred to the 1st respondent, the same was rejected. Therefore, the case of the petitioner was not considered.

Though no reasons were furnished in the impugned proceedings as to what are the grounds for which the Government has rejected, in the counter affidavit filed by the 1st respondent, it is stated that the action of the Board in not considering the petitioner for appointment cannot be construed as illegal, unjust, contrary to law arbitrary, discriminatory and violative of articles 14, 16 and 21 of the Constitution of India. The petitioner has not challenged the provisions of the service regulations of the Board prescribing VII class pass qualification but has sought for relief of relaxation of the said qualification. Even the petitioner understands and believes that

the VII class qualification prescribed in the service regulations of the Board is relevant to the recognized purposes of the service of the General Purpose Employee. In so far as relaxation of qualification of the petitioner is concerned, if it is resorted to, it would result in great hardship and administrative inconvenience to the Government. In the Board, since a great deal of similarly placed individual, whose cases have not been considered for want of prescribed qualification, are waiting for an opportunity for entry into service of the Board.

It is very unfortunate that such a stand was taken by the

1st respondent in considering the relaxation of educational qualifications. This is not a case where the petitioner is a bereft of any educational qualifications. Admittedly, the petitioner studied upto VI class, the required qualification is only VII class. Further the nature of duties required to be attended by the General Purpose Employees in the

2nd respondent Board does not require any skill or expertise. The petitioner is only 35 years old and she has got five children. Therefore, the 1st respondent is directed to reconsider the matter for relaxation of the education qualifications in respect of the petitioner for being considered for appointment in a suitable post on compassionate grounds, as an exceptional case, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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C.V.RAMULU,J

Dated: 20.08.2005

Dsr